

**WEDNESDAY, APRIL 8, 1987**

**THIRTIETH LEGISLATIVE DAY**

The House met at 2:00 p. m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Reverend Ken Uselton, Tulip Street United Methodist Church, Nashville, Tennessee.

Representative Purcell led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present . . . . . 95

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, King, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--95.

The Speaker announced that Representative Long was excused because of business.

**MESSAGE FROM THE GOVERNOR**

**MR. SPEAKER:**

I am directed by the Governor to return herewith: House Bills Nos. 260, 524, 566, 688, 1165, 1166, 1200, 1215, 1217, 1223, 1224,

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

1228, 1229, 1231, 1232 and 1236; and House Joint Resolution No. 159 with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 42, 253, 313, 314, 444, 656, 697, 895, 905, 908, 1165 and 1238; also, Senate Joint Resolutions Nos. 111, 112, 114, 115, 116, 117, 118, 119, 129 and 134; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 29, 91, 92, 97, 259, 325, 463, 498, 617, 698, 700, 705, 1116, 1233, 1235, 1239, 1240 and 1245; also, House Joint Resolutions Nos. 156, 157, 158, 160, 161, 164 and 165; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENROLLED BILLS**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 42, 47, 55, 402, 454, 461, 841, 889, 1149, 1222 and 1243; House Resolutions Nos. 24 and 25; and House Joint Resolutions Nos. 168, 169, 170, 171, 173, 174, 176, 177, 178, 179, 180, 181 and 182; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**SIGNED**

The Speaker announced that he had signed the following: Senate Bills Nos. 42, 253, 313, 314, 444, 656, 697, 895, 905, 908, 1165 and 1238; Senate Joint Resolutions Nos. 111, 112, 114, 115, 116, 117, 118, 119, 129 and 134; House Bills Nos. 42, 47, 55, 402, 454, 461, 841, 889, 1149, 1222 and 1243; and House Joint Resolutions Nos. 168, 169, 170, 171, 173, 174, 176, 177, 178, 179, 180, 181 and 182; and House Resolutions Nos. 24 and 25.

WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 29, 91, 92, 97, 259, 325, 463, 498, 617, 698, 700, 705, 1116, 1233, 1235, 1239, 1240 and 1245; and House Joint Resolutions Nos. 156, 157, 158, 160, 161, 164 and 165; for his action.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

CALENDAR

House Bill No. 785--Medicaid Program.

Mr. Odom moved that House Bill No. 785 be passed on third and final consideration.

Mr. Kisber moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 785 by deleting the effective date section in its entirety and by substituting instead the following:

This act shall take effect on January 1, 1989.

On motion, the amend was adopted.

Thereupon, House Bill No. 785, as amended, passed its third and final consideration by the following vote:

Ayes .....	91
Noes .....	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Lawson, Love, May, McAfee, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Yelton and Mr. Speaker Murray--91.

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

Representatives voting no were: Montgomery and Robinson (Washington)--2.

A motion to reconsider was tabled.

Mr. Davis (Cocke) moved that House Bill No. 851 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

House Bill No. 891--Child Welfare Agencies.

Ms. Pruitt moved that House Bill No. 891 be passed on third and final consideration.

Ms. Pruitt moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 891 by deleting from subsection (b) of the amendatory language of Section 1 the words and punctuation "in consultation with the commissioner of human services and the standards committee created pursuant to this section." and by substituting instead the following:

in consultation with the commissioner of human services, with the standards committee created pursuant to this section, with the Tennessee Fire Chiefs' Association, with the Tennessee Professional Firefighters Association, and with concerned owners and operators of such child care facilities.

AND FURTHER AMEND by inserting the following immediately after the second sentence of subsection (b) of the amendatory language of Section 1:

The state fire marshal shall develop and implement appropriate policies and procedures to insure that the fire safety standards promulgated pursuant to this act are consistently applied in a uniform, reasonable, and equitable manner across the state and within each community of the state.

On motion, the amendment was adopted.

Mr. Coffey moved to amend as follows:

**AMENDMENT NO. 2**

Amend House Bill No. 891 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

Section \_\_\_\_\_. The provisions of this act shall not apply in any county having a population of not less than 67,300 nor more than 67,400 according to the 1980 federal census or any subsequent federal census.

On motion, the amendment was adopted.

Mr. Yelton moved to amend as follows:

**AMENDMENT NO. 3**

Amend House Bill No. 891 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not apply in any county having a population of not less than 143,900 nor more than 144,000 according to the 1980 federal census or any subsequent federal census.

On motion, the amendment was adopted.

Mr. Lawson moved to amend as follows:

**AMENDMENT NO. 4**

Amend House Bill No. 891 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not apply in counties having a population of:

not less than	nor more than
49,275	49,375
16,700	16,800
31,200	31,300

according to the 1980 federal census of population or any subsequent census.

On motion, the amendment was adopted.

Mr. Bell moved to amend as follows:

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

**AMENDMENT NO. 5**

Amend House Bill No. 891 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not apply in any county having a population of not less than 56,000 nor more than 56,100 according to the 1980 federal census or any subsequent federal census.

On motion, the amendment was adopted.

Mr. Kent moved to amend as follows:

**AMENDMENT NO. 6**

Amend House Bill No. 891 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not apply in any county having a population of not less than 770,000 nor more than 780,000 according to the 1980 federal census or any subsequent federal census.

On motion, the amendment was adopted.

Mr. Wix moved to amend as follows:

**AMENDMENT NO. 7**

Amend House Bill No. 891 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not apply in any county having a population of not less than 85,725 nor more than 85,825 according to the 1980 federal census or any subsequent federal census.

On motion, the amendment was adopted.

Mr. Dixon moved that House Bill No. 891 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

House Bill No. 948--Tennessee Business Corporation Act.

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

On motion, House Bill No. 948 was made to conform with Senate Bill No. 1103.

On motion, Senate Bill No. 1103, on same subject, was substituted for House Bill No. 948.

Mr. Buck moved that Senate Bill No. 1103 be passed on third and final consideration.

Mr. Buck moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 1103 by adding the following new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section \_\_. Tennessee Code Annotated, Section 48-5-104, is amended by adding the following new subsection to be designated as subsection (c) and by relettering present subsection (c) accordingly:

(c) Whenever a domestic or foreign corporation authorized to do business in this state is an employer within the meaning of the Workers' Compensation Law and such corporation is, for the purpose of such Workers' Compensation Law, self-insured or a part of a self insurance pool as provided in Tennessee Code Annotated, Title 50, Chapter 6, Part 4, such corporation shall, for Workers' Compensation actions only, be required to appoint the commissioner of commerce and insurance and his chief deputy, or their successors, as its true and lawful attorneys upon either of whom all lawful process in any such action or legal proceeding against it maybe served as is required of insurance companies by the provisions of Tennessee Code Annotated, Section 56-2-103.

On motion, the amendment was adopted.

Mr. Buck moved to amend as follows:

**AMENDMENT NO. 2**

Amend Senate Bill No. 1103 by adding the following new section to be appropriately designated:

Section \_\_. Tennessee Code Annotated, Section 48-3-310(e), is amended by deleting the first sentence in its entirety and by substituting instead the following:

Unless the obligations to be refunded are to be retired at the time of delivery of the refunding bonds, the board of directors shall, prior to the issuance of the refunding bonds, cause notice of its intention to issue the refunding bonds, identifying the obligations proposed to be refunded and setting forth the estimated date of delivery of the refunding bonds, to be given to the holders of the outstanding obligations by publications of an appropriate notice one (1) time each in a newspaper having general circulation in the municipality with respect to which the corporation was organized and in a financial newspaper published in New York, New York, and having national circulation.

AND FURTHER AMEND by amending the effective date section by inserting the words "Section \_\_ amending Tennessee Code Annotated, Section 48-3-310(e) and" between the words "For the purpose of" and the words "promulgating rules and regulations".

On motion, the amendment was adopted.

Mr. Buck moved to amend as follows:

**AMENDMENT NO. 3**

Amend Senate Bill No. 1103 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, the amendment was adopted.

Mr. Buck moved to amend as follows:

**AMENDMENT NO. 4**

Amend Senate Bill No. 1103 by adding the following new sections immediately preceding the last section and by redesignating such section accordingly:

SECTION \_\_. Tennessee Code Annotated, Sections 48-17-101, 48-17-102, and 48-17-103, are amended by deleting the words and figures "October 1, 1987" wherever they appear, and by substituting the words and figures "January 1, 1988".



**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

SECTION \_\_\_\_ Tennessee Code Annotated, Section 48-17-103, is amended by deleting the semicolon (;) at the end of subdivision (a)(c), and substituting the following:

" , provided such certificate or document is received by the Secretary of State or other recording official on or before April 30, 1988. Any certificate or document recorded or filed pursuant to this subdivisions shall pay the fee required by the Tennessee Business Corporation Act for such recording or filing".

SECTION \_\_\_\_ Section 17.08 of the Tennessee Business Corporation Act, being Chapter No. 887 of the Public Acts of 1986, is amended by deleting the following:

"The remaining sections of this act shall take effect at 12:01 a.m. on October 1, 1987, the public welfare requiring it."

and substituting the following:

"The remaining sections of this act shall take effect at 12:01 a.m. on January 1, 1988, the public welfare requiring it."

SECTION \_\_\_\_ If any provision of this act or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of the act are severable.

AND FURTHER AMEND by deleting in Section 47 the following:

"For all other purposes this act shall take effect at 12:01 a. m. on October 1, 1987, the public welfare requiring it."

and substituting the following:

"For all other purposes this act shall take effect at 12:01 a.m. on January 1, 1988, the public welfare requiring it."

On motion, the amendment was adopted.

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

Thereupon, Senate Bill No. 1103, as amended, passed its third and final consideration by the following vote:

Ayes .....	89
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--89.

A motion to reconsider was tabled.

House Bill No. 387--Dyersburg Community College.

Mr. Holt moved that House Bill No. 387 be passed on third and final consideration.

Mr. Copeland moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 387 by adding the following language at the end of the amendatory language of Section 1:

However, such students shall not be counted in the consideration of any future capital construction.

On motion, the amendment was adopted.

Thereupon, House Bill No. 387, as amended, passed its third and final consideration by the following vote:

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

Ayes ..... 60  
Noes ..... 21  
Present and not voting ..... 11

Representatives voting aye were: Bivens, Buck, Burnett, Bushing, Byrd, Cain, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DePriest, Duer, Gaia, Garrett, Head, Henry, Herron, Hillis, Hobbs, Holt, Hurley, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kisber, May, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Webb, West, Wheeler, Williams, Wolfe, Yelton and Mr. Speaker Murray--60.

Representatives voting no were: Bell, Bewley, Bragg, Chiles, Coffey, Davis (Cocke), Drew, Frensley, Harrill, Hassell, Hawkins, Huskey, Kent, King, Peroulas, Phillips, Scruggs, Tankersley, Ussery, Whitson and Wood--21.

Representatives present and not voting were: Copeland, Dixon, Good, Holcomb, Lawson, Love, McAfee, Shirley, Stafford, Turner, L. (Shelby) and Winningham--11.

A motion to reconsider was tabled.

House Bill No. 196--Govern Formation Not-For-Profit Corporations.

Ms. Williams moved that House Bill No. 196 be passed on third and final consideration.

Mr. Tanner moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 196 by deleting in subsection 1.30 (i) the words "one (1) exact or conformed copy (except as provided in Sections 5.03, 15.09 and 16.22,".

AND FURTHER AMEND by deleting in subsection 1.30 (i) the words "or other law".

AND FURTHER AMEND by adding in subsection 1.31 (a), between the words "prescribe and" and "furnish" the word "shall".

AND FURTHER AMEND by deleting in subdivision 1.32 (a) (12) the words "with amended charter".

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

AND FURTHER AMEND by adding at the end of subsection 1.33 (b) the following: Notwithstanding the foregoing, documents specified in subdivisions 1.32 (a) (3), (4), (5), (6), (7) and (26) may not specify a delayed effective time or date."

AND FURTHER AMEND by deleting subsection 1.35 (b) in its entirety and substituting the following new subsection 1.35 (b):

(b) The Secretary of State files a document by stamping or otherwise endorsing "filed," together with his name and official title and the date and time of receipt, on such document. After filing a document, except for filings pursuant to Sections 5.03, 15.09 and 16.22, the Secretary of State shall deliver the document, with the filing fee receipt (or acknowledgment of receipt if no fee is required) attached, to the domestic or foreign corporations or its representative in due course. A domestic or foreign corporation or its representative may present to the Secretary of State an exact or conformed copy of the document presented for filing together with such document and, in that event, the Secretary of State shall stamp or otherwise endorse the exact or conformed copy "filed", together with his name and official title and the date and time of receipt, and immediately return the exact or conformed copy to the party filing the original of such document.

AND FURTHER AMEND by deleting in Section 1.37 the words "A certificate attached" and substituting the words "A certificate attached, or certification affixed,".

AND FURTHER AMEND by deleting in subdivision 2.02 (a) (6) the words "the address" and substituting the words "the street address".

AND FURTHER AMEND by deleting in subdivision 2.02 (b) (3) the following:

"law, (iii) under Section 8.33, or (iv) for any transaction from which the director derived an improper personal benefit."

and substituting the following:

"law, or (iii) under Section 8.33,".

AND FURTHER AMEND by deleting in subdivision 4.01 (d) (4) the words "to renew an assumed name or names" and substitute "to renew each assumed name."

AND FURTHER AMEND by adding at the end of subdivision 4.03 (b) (2) the following: "The certificate shall not bear a date of more than one (1) month prior to the date of the application is filed in this state."

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

AND FURTHER AMEND by deleting in subdivision 5.02 (a) (3) the words "code for such office" and substituting the words "code for such office and the county in which the office is located".

AND FURTHER AMEND by deleting in subsection 8.58 (a) the following:

"law, (3) under Section 8.33, or (4) for any transaction from which the director derived an improper personal benefit."

and substituting the following:

"law, or (3) under Section 8.33."

AND FURTHER AMEND by deleting in the first paragraph of Section 11.04 the words "or acquiring".

AND FURTHER AMEND by deleting in subsection 14.09 (b) the words "has received a certificate from the commissioner" and substituting the words "if the articles are accompanied by a certificate from the commissioner".

AND FURTHER AMEND by deleting in subdivision 14.22 (a) (4) the words "all taxes owed by the corporation have been paid" and substituting the words "the corporation has properly filed all reports and paid all taxes and penalties required by the revenue laws of this state."

AND FURTHER AMEND by adding at the end of subdivision 15.08 (a) (3) the following: "and the county and in which the office is located;"

AND FURTHER AMEND by deleting in subsection 15.20 (d) the words "until he is properly notified by the Commissioner of Revenue" and substituting the words "unless it is accompanied by a certificate from the commissioner of revenue stating".

AND FURTHER AMEND by deleting in item (4) of Section 15.30 the words and punctuation "filing; or" and substituting the following: "filing;"

AND FURTHER AMEND by deleting in item (5) of Section 15.30 the words and punctuation "merger; or," and substituting the following: "merger;"

AND FURTHER AMEND by deleting in item (6) of Section 15.30 the word and punctuation "Chapter." and substituting the following: "chapter; or,"

AND FURTHER AMEND by adding the following new item (7) to Section 15.30: "(7) the name of a foreign corporation contained in a document filed after the effective date of this act fails to comply with provisions of Section 15.06."

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

AND FURTHER AMEND by deleting in subdivision 15.32 (a) (4) the words "all taxes owed by the corporation have been paid" and substituting the words "the corporation has properly filed all reports and paid all taxes and penalties required by the revenue laws of this state".

AND FURTHER AMEND by deleting in subdivision 16.22 (a) (6) the words and punctuation "applied for; and" and substituting the following: "applied for;".

AND FURTHER AMEND by deleting in its entirety subdivision 16.22 (a) (7) and substituting the following new subdivisions (7), (8) and (9):

(7) if a domestic corporation, a statement that the corporation is a public benefit corporation or a mutual benefit corporation;

(8) if a foreign corporation, a statement whether the corporation, if it had been incorporated in this state, would be a public benefit or mutual benefit corporation; and

(9) if a domestic religious corporation, a statement to that effect.

AND FURTHER AMEND by deleting in subsection 16.22 (d) the words "on the fifteenth day" and substituting the words "by the fifteenth day".

AND FURTHER AMEND by deleting in subsection 16.22 (e) the words "on the fifteenth day" and substituting the words "by the fifteenth day".

AND FURTHER AMEND by deleting in the second sentence of subsection 18.01 (b) the words "not otherwise contained in the charter except" and substituting the words "not otherwise on file in the office of the secretary of state except".

AND FURTHER AMEND by deleting Section 18.07 in its entirety.

AND FURTHER AMEND by adding the following new Sections 19 and 20:

SECTION 19. The Secretary of State is authorized to prescribe forms and to promulgate regulations in accordance with the Uniform Administrative procedures Act compiled in Chapter 5, of Title 4.

SECTION 20. Section 19 of this act shall take effect on becoming law, the public welfare requiring it. All other sections of this act shall take effect 12:01 a.m. on October 1, 1987, the public welfare requiring it.

On motion, the amendment was adopted.

Mr. Copeland moved to amend as follows:

**AMENDMENT NO. 2**

Amend House Bill No. 196 by adding in Section 8.04 the following new subsection (c):

(c) If a corporation provides services or performs obligations pursuant to one or more contracts with governmental entity, whether state or local, and in connection therewith receives public funds, or receives, as grants or other contributions, from one or more governmental entities for a period of five (5) successive years, an amount greater than Fifty Thousand (\$50,000) per year, then no director shall serve successive terms that in the aggregate exceed nine (9) years. The nine-year period for purposes of this subsection (c) shall commence on the first day of the calendar year in which the corporation receives funds in excess of \$50,000, but the commencement date shall not be earlier than the effective date of this act. If the corporation does not receive public funds pursuant to a government contract or as grants or other contributions as described herein in an amount greater than \$50,000 per year for five successive years, then this subsection shall not limit successive terms for directors.

A motion, the amendment was adopted.

Ms. Williams moved to amend as follows:

**AMENDMENT NO. 3**

Amend House Bill No. 196 by deleting item (7) of subsection 1.32 (a) in its entirety and substituting the following:

"(7) Application for or change, cancellation, or renewal of assumed name ..... 10.00".

AND FURTHER AMEND by deleting in subsection 8.30 (d) the words and figures "Section 8.60 (b)" and substituting the words and figures "Section 8.60".

AND FURTHER AMEND by deleting in Section 8.52 the words and figures "Section 8.60(b)" and substituting the words and figures "Section 8.60".

AND FURTHER AMEND by deleting in subdivision 8.53 (a)(1) the words and figures "Section 8.60(b)" and substituting the words and figures "Section 8.60".

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

On motion, the amendment was adopted.

Ms. Williams moved to amend as follows:

**AMENDMENT NO. 4**

Amend House Bill No. 196 by deleting in Section 18.01(e) the words and figures "Sections 14.01 thru 14.33" and substituting "Section 48-1-1001 thru 48-1-1014"

On motion, the amendment was adopted.

Ms. Williams moved to amend as follows:

**AMENDMENT NO. 5**

Amend House Bill No. 196 by deleting from Section 2.02 (a) (4), (5), and (6) and Section 5.02 (a) (3), and Section 15.03 (a) (4), (5), and (6), and Section 15.08 (a) (3), and Section 16.22 (a) (2), (3), and (4) and wherever else the term "zip plus 4 zip code" may appear and by substituting the instead term "zip code".

On motion, the amendment was adopted.

Ms. Williams moved to amend as follows:

**AMENDMENT NO. 6**

Amend House Bill No. 196 by deleting Section 18.07 in its entirety and substituting the following:

For the purpose of promulgating rules and regulations and prescribing forms, this act shall take effect upon becoming law, the public welfare requiring it. For all other purposes this act shall take effect at 12:01 a.m. on January 1, 1988.

AND FURTHER AMEND by deleting the semicolon (;) at the end of subdivision 18.03 (a)(1) and substituting the following:

", provided such certificate or document is received by the Secretary of State or other recording official on or before April 30, 1988. Any certificate or document recorded or filed pursuant to this subdivision shall pay the fee required by this act for such recording or filing."

AND FURTHER AMEND by deleting in Section 18.06 the words and figures "on October 1, 1987," and substituting the following: "on January 1, 1988,".



**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

On motion, the amendment was adopted.

Ms. Williams moved to amend as follows:

**AMENDMENT NO. 7**

Amend House Bill No. 196 by adding the following new subdivision (d) (5) to Section 8.60:

(d) (5) Non profit corporations, associations, and organizations which are exempt from federal income taxation under Section 501 (c) (4) of the Internal Revenue Code of 1986, as amended.

On motion, the amendment was adopted.

Mr. West moved to amend as follows:

**AMENDMENT NO. 8**

Amend House Bill No. 196 by adding to Section 1.70 the following new subsection:

( ) The provisions of subsections (a) and (b)(1) and (b)(2) shall not apply to mutual benefit corporations.

FURTHER AMEND by adding to Section 3.04 the following new subsection:

( ) The provisions of this section shall not apply to mutual benefit corporations.

Ms. Williams moved that Amendment No. 8 be tabled, which motion failed by the following vote:

Ayes .....	30
Noes .....	55
Present and not voting .....	3

Representatives voting aye were: Bewley, Bragg, Buck, Burnett, Bushing, Byrd, Chiles, Coffey, Davidson, Duer, Frensley, Good, Hassell, Herron, Jared, May, McAfee, Moore (Shelby), Purcell, Robinson (Davidson), Robinson (Washington), Scruggs, Starnes, Tankersley, Turner, C. (Shelby), Webb, Wheeler, Whitson, Wolfe and Wood--30.

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

Representatives voting aye were: Bell, Bivens, Cain, Collier, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Ellis, Gaia, Garrett, Harrill, Hawkins, Head, Henry, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jones, R. (Shelby), Kent, King, Kisber, Lawson, Miller, Montgomery, Moody, Moore (Lawrence), Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Severance, Shirley, Stafford, Stallings, Swann, Tanner, Turner (Hamilton), Turner, L. (Shelby), West, Winningham, Wix, Yelton and Mr. Speaker Murray--55.

Representatives present and not voting were: Jones, U. (Shelby), Love and Robinson (Hamilton)--3.

On motion, Amendment No. 8 was adopted.

On motion, House Bill No. 196 was moved down five places.

House Bill No. 495--Licensed Residential Homes for the Aged.

Mr. Holt moved that House Bill No. 495 be passed on third and final consideration.

Mr. Starnes moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 495 by inserting the following language at the beginning of the amendatory language of Section 1:

, between twenty thousand three hundred (20,300) and twenty thousand four hundred (20,400),

On motion, the amendment was adopted.

Thereupon, House Bill No. 495, as amended, passed its third and final consideration by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent,

Kernell, King, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--96.

A motion to reconsider was tabled.

House Bill No. 816--Exemptions sales and use tax.

Mr. Burnett moved that House Bill No. 816 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 816 by deleting the language of Section 2 and substituting therefor the following:

Tennessee Code Annotated, Section 67-6-311, is amended by deleting the language thereof and substituting therefor the following:

There shall be exempt from the tax imposed by this chapter the sale, transfer, or lease of construction machinery, as that term is defined in Section 67-6-102, to or from a parent corporation and a wholly-owned subsidiary to the extent that sales or use tax at the full rate provided by Tennessee law has been previously paid on such machinery by such parent or subsidiary corporation.

On motion, the amendment was adopted.

Thereupon, House Bill No. 816, as amended, passed its third and final consideration by the following vote:

Ayes	94
Noes	0
Present and not voting	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell,

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--94.

Representatives present and not voting were: Coffey and Lawson--2.

A motion to reconsider was tabled.

House Bill No. 752--Surety Bonds.

Mr. Dixon moved that House Bill No. 752 be passed on third and final consideration.

Mr. Tanner moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 752 by deleting from the preamble the word "disadvantaged" wherever it appears.

AND FURTHER AMEND by deleting subsection (2) of Section 2(a) and renumbering the subsection following thereafter.

AND FURTHER AMEND by deleting Subsections (1) and (2) of Section 3(a) and by substituting instead the following and renumbering the other subsections appropriately:

(1) The principal of the bond is a business having its primary office in Tennessee; and

AND FURTHER AMEND by deleting from Section 3(a) (5), (6), and (7) the word "disadvantaged".

AND FURTHER AMEND by deleting Section 4 in its entirety and by substituting instead the following:

There is appropriated fifty thousand dollars (\$50,000) to office of minority business enterprise to implement the provisions of this act. For the purpose of implementing this act, the office of minority business enterprise is authorized to enter into consulting agreements and to negotiate with surety companies authorized to do business in this state to develop the qualifying standards established by this act.

## WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY

On motion, the amendment was adopted.

Mr. Naifeh moved to amend as follows:

### AMENDMENT NO. 2

Amend House Bill No. 752 by deleting Sections 3 and 4 in their entirety and by substituting instead the following and renumbering the subsequent sections appropriately:

SECTION 3. The director of the office of business enterprise, in consultation with the commissioner of economic and community development and the commissioner of finance and administration, shall examine the merits of changing the various bond requirements as defined in this act and report those findings to the general assembly not later than January 15, 1988.

On motion, the amendment was adopted.

Thereupon, House Bill No. 752, as amended, passed its third and final consideration by the following vote:

Ayes	87
Noes	0
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Ellis, Gaia, Garrett, Good, Harrill, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, May, Miller, Montgomery, Moody, Moore (Lawrence), Naifeh, Napier, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--87.

Representative present and not voting was: Duer--1.

A motion to reconsider was tabled.

House Bill No. 937--Captive Insurance.

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

Mr. Tanner moved that House Bill No. 937 be passed on third and final consideration.

Mr. Tanner moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 937 as follows:

**AMEND SECTION 1 of the Bill**

(1) By striking the words "and pay into the treasury of the state of Tennessee" in subsection (a) of the new section to be added to Tennessee Code Annotated, Title 56, Chapter 13.

(2) By adding at the end of subsection (b) of said new section the following sentence:

"All such regulatory fees paid into the department of commerce and insurance under this section shall be held by the commissioner as expendable receipts for the purpose of administering the provisions of this chapter."

On motion, the amendment was adopted.

Thereupon, House Bill No. 937, as amended, passed its third and final consideration by the following vote:

Ayes .....	93
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cooke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, May, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--93.

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

A motion to reconsider was tabled.

House Bill No. 614--Licenses to sell beer.

Mr. Wheeler moved that House Bill No. 614 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 614 by deleting Sections 1 and 2 in their entirety, and by renumbering subsequent sections accordingly.

On motion, the amendment was adopted.

Thereupon, House Bill No. 614, as amended, passed its third and final consideration by the following vote:

Ayes	90
Noes	3
Present and not voting	3

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wood and Mr. Speaker Murray--90.

Representatives voting no were: Moody, Nance and Wolfe--3.

Representatives present and not voting were: Coffey, Holcomb and Yelton--3.

A motion to reconsider was tabled.

House Bill No. 501--Public Building Authorities.

On motion, House Bill No. 501 was made to conform with Senate Bill No. 623.

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

On motion, Senate Bill No. 623, on same subject, was substituted for House Bill No. 501.

Mr. Wheeler moved that Senate Bill No. 623 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--96.

A motion to reconsider was tabled.

House Bill No. 500--Public Building Authorities.

On motion, House Bill No. 500 was made to conform with Senate Bill No. 624.

On motion, Senate Bill No. 624, on same subject was substituted for House Bill No. 500.

Mr. Wheeler moved that Senate Bill No. 624 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey,



WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY

Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--95.

A motion to reconsider was tabled.

House Bill No. 534--Retirement credit military service.

On motion, House Bill No. 534 was made to conform with Senate Bill No. 210.

On motion, Senate Bill No. 210, on same subject, was substituted for House Bill No. 534.

Mr. Wheeler moved that Senate Bill No. 210 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--96.

A motion to reconsider was tabled.

**FURTHER CONSIDERATION OF HOUSE BILL NO. 196**

House Bill No. 196--Govern Formation Not-For-Profit Corporations.

Mr. Coffey moved to amend as follows:

WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY

AMENDMENT NO. 9

Amend House Bill No. 196 by deleting the word "or" at the end of Section 8.32(a)(1) and substituting instead the word "and".

On motion, the amendment was adopted.

Ms. Williams moved that House Bill No. 196 be placed on the Calendar for Thursday, April 9, 1987, which motion prevailed.

House Bill No. 373--County judges and official retirement.

On motion, House Bill No. 373 was made to conform with Senate Bill No. 512.

On motion, Senate Bill No. 512, on same subject, was substituted for House Bill No. 373.

Mr. West moved that Senate Bill No. 512 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, O. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--95.

A motion to reconsider was tabled.

House Bill No. 601--Definition Drug Paraphernalia.

On motion, House Bill No. 601 was made to conform with Senate Bill No. 734.

On motion, Senate Bill No. 734, on same subject, was substituted for House Bill No. 601.

WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY

Mr. Robinson (Davidson) moved that Senate Bill No. 734 be passed on third and final consideration.

Mr. Clark moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 734 by adding the following new section immediately before the severability clause section and numbering the sections accordingly:

SECTION \_\_\_\_ Tennessee Code Annotated, Section 39-6-402, is amended by adding to the end of subsection 26 the following new language:

Such term does not include any item that is intended or marketed for use with tobacco products including any pipe, paper or accessory. Such item for use with tobacco products is not within the provisions of Section 53-11-409(a)(7) unless there is a conviction for violation of Section 39-6-456.

Mr. Robinson (Davidson) moved that Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes .....	62
Noes .....	30

Representatives voting aye were: Bell, Bewley, Bivens, Byrd, Cain, Coffey, Collier, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), DePriest, Drew, Duer, Ellis, Frensley, Garrett, Good, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Kent, Lawson, May, McAfee, Miller, Montgomery, Moore (Lawrence), Moore (Shelby), Napier, Peroulas, Phillips, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Turner, C. (Shelby), Ussery, Webb, Whitson, Williams, Winningham, Wix, Wood and Yelton--62.

Representatives voting no were: Bragg, Buck, Burnett, Bushing, Clark, Davidson, Davis (Knox), Dixon, Gaia, Head, Herron, Jared, Jones, U. (Shelby), Kernell, King, Kisber, Moody, Naifeh, Nance, Pruitt, Purcell, Rhinehart, Starnes, Tanner, Turner (Hamilton), Turner, L. (Shelby), West, Wheeler, Wolfe and Mr. Speaker Murray--30.

Thereupon, Senate Bill No. 734, passed its third and final consideration by the following vote:

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

Ayes ..... 96  
Noes ..... 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--96.

A motion to reconsider was tabled.

House Bill No. 430--Dues deduction, Fire Departments.

On motion, House Bill No. 430 was made to conform with Senate Bill No. 815.

On motion, Senate Bill No. 815, on same subject, was substituted for House Bill No. 430.

Mr. West moved that Senate Bill No. 815 be passed on third and final consideration.

Mr. Swann moved to amend as follows:

**AMENDMENT NO. 1**

AMEND Senate Bill No. 815 in SECTION 1 by deleting the word "shall" from the first sentence of the amendatory language and replacing it with "may".

AND FURTHER AMEND in SECTION 1 by deleting the first "shall" from the second sentence of the amendatory language and replacing it with "may".

Mr. Burnett moved that Amendment No. 1 be tabled, which motion prevailed by the following vote:

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

Ayes .....	61
Noes .....	32
Present and not voting .....	2

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Collier, Cross, Davidson, Davis (Gibson), DePriest, Drew, Ellis, Gaia, Garrett, Hassell, Hawkins, Head, Herron, Hillis, Hobbs, Holt, Hurley, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, Miller, Moore (Lawrence), Moore (Shelby), Naifeh, Phillips, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Shirley, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Winningham, Wix, Yelton and Mr. Speaker Murray--61.

Representatives voting no were: Bewley, Chiles, Coffey, Copeland, Crain, Curlee, Davis (Cocke), Davis (Knox), Duer, Frensley, Good, Harrill, Henry, Holcomb, Huskey, Lawson, May, McAfee, Montgomery, Moody, Nance, Peroulas, Robinson (Washington), Scruggs, Severance, Stafford, Swann, Tankersley, Webb, Williams, Wolfe and Wood--32.

Representatives present and not voting were: Dixon and Pruitt--2.

Mr. Moody moved to amend as follows:

**AMENDMENT NO. 2**

AMEND Senate Bill No. 815 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_ The provisions of this act shall not apply in any county having a population of not less than 49,275 nor more than 49,375 according to the 1980 federal census or any subsequent federal census.

On motion, the amendment was adopted.

Mr. Henry moved to amend as follows:

**AMENDMENT NO. 3**

AMEND Senate Bill No. 815 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_. The provisions of this act shall not apply in counties having a population of:

<u>not less than</u>	<u>nor more than</u>
28,500	28,560
48,400	48,500
28,690	28,750
13,600	13,610

according to the 1980 federal census of population or any subsequent census.

On motion, the amendment was adopted.

Mr. Burnett moved to amend as follows:

**AMENDMENT NO. 4**

AMEND Senate Bill No. 815 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this are declared to be severable.

On motion, the amendment was adopted.

Mr. Clark moved the previous question, which motion failed by the following vote:

Ayes ..... 62  
Noes ..... 32

Representatives voting aye were: Bell, Bivens, Bragg, Burnett, Bushing, Byrd, Cain, Clark, Collier, Cross, Curlee, Davidson, Davis (Gibson), DePriest, Dixon, Drew, Ellis, Gaia, Garrett, Good, Head, Herron, Hillis, Hobbs, Holt, Hurley, Ivy, Jackson, Jared, Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, Miller, Moore (Lawrence), Naifeh, Napier, Phillips, Pruitt, Purcell,

WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY

Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Shirley, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Williams, Winningham, Wix, Yelton and Mr. Speaker Murray--62.

Representatives voting no were: Bewley, Buck, Chiles, Coffey, Crain, Davis (Cocke), Davis (Knox), Duer, Frensley, Harrill, Hassell, Hawkins, Henry, Holcomb, Huskey, Lawson, May, McAfee, Montgomery, Moody, Moore (Shelby), Nance, Peroulas, Robinson (Washington), Scruggs, Severance, Stafford, Swann, Tankersley, Webb, Wolfe and Wood--32.

Mr. Swann moved that Senate Bill No. 815 be placed on the next available place on the next Calendar.

Mr. West moved that the motion be tabled, which motion prevailed by the following vote:

Ayes .....	44
Noes .....	41

Representatives voting aye were: Bell, Bivens, Bragg, Burnett, Bushing, Byrd, Cain, Clark, Collier, Davidson, Davis (Gibson), DePriest, Drew, Ellis, Frensley, Gaia, Hillis, Hobbs, Ivy, Jared, Jones, U. (Shelby), Kernell, King, Kisber, Miller, Moore (Lawrence), Naifeh, Napier, Phillips, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Stallings, Starnes, Tanner, Turner (Hamilton), Turner, L. (Shelby), West, Wheeler, Winningham, Wix and Yelton--44.

Representatives voting no were: Bewley, Buck, Chiles, Coffey, Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Knox), Good, Harrill, Hawkins, Head, Henry, Herron, Holcomb, Holt, Hurley, Huskey, Jackson, Kent, Lawson, May, McAfee, Montgomery, Moody, Nance, Peroulas, Robinson (Washington), Scruggs, Severance, Stafford, Swann, Tankersley, Webb, Whitson, Williams, Wolfe, Wood and Mr. Speaker Murray--41.

Mr. Miller moved the previous question, which motion failed by the following vote:

Ayes .....	56
Noes .....	36

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Collier, Cross, Curlee, Davidson, Davis (Gibson),

**WEDNESDAY, APRIL 8, 1967--30TH LEGISLATIVE DAY**

DePriest, Dixon, Drew, Ellis, Head, Herron, Hillis, Hobbs, Hurley, Ivy, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Kisber, Love, Miller, Moore (Lawrence), Naifeh, Napier, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Shirley, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Williams, Winningham, Wix, Yelton and Mr. Speaker Murray--56.

Representatives voting no were: Bewley, Chiles, Coffey, Copeland, Crain, Davis (Cocke), Davis (Knox), Duer, Frensley, Good, Harrill, Hassell, Hawkins, Henry, Holcomb, Holt, Huskey, Jackson, Kent, Lawson, May, McAfee, Montgomery, Moody, Nance, Peroulas, Robinson (Washington), Scruggs, Severance, Stafford, Swann, Tankersley, Webb, Whitson, Wolfe and Wood--36.

Mr. Swann moved to amend as follows:

**AMENDMENT NO. 5**

Amend Senate Bill No. 815 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not apply in any county having a population of not less than 77,700 nor more than 77,800 according to the 1980 federal census or any subsequent federal census.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 815, as amended, passed its third and final consideration by the following vote:

Ayes .....	63
Noes .....	28

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Collier, Cross, Curlee, Davidson, Davis (Gibson), DePriest, Dixon, Drew, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Head, Herron, Hillis, Hobbs, Holt, Hurley, Ivy, Jackson, Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, Miller, Moore (Lawrence), Naifeh, Napier, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), West, Wheeler, Whitson, Williams, Winningham, Wix, Yelton and Mr. Speaker Murray--63.



**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

Representatives voting no were: Bewley, Coffey, Copeland, Crain, Davis (Cocke), Davis (Knox), Duer, Frensley, Hawkins, Henry, Holcomb, Huskey, Lawson, May, McAfee, Montgomery, Moody, Nance, Peroulas, Robinson (Washington), Scruggs, Stafford, Swann, Tankersley, Tanner, Webb, Wolfe and Wood--28.

A motion to reconsider was tabled.

House Bill No. 665--Upper Duck River Development Agency.

Mr. Phillips moved that House Bill No. 665 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 665 by deleting Section 2 in its entirety and substituting in lieu thereof a new Section 2 as follows:

Section 2. Tennessee Code Annotated, Section 64-1-604 is amended by deleting the section in its entirety and substituting in lieu thereof the following:

(a) The agency is authorized and empowered to issue its bonds, notes, or other obligations from time to time in an amount not to exceed a total of two hundred million dollars (\$200,000,000) for the purpose of paying in whole or in part the cost of acquiring necessary lands and interests therein and of constructing and acquiring constructed facilities and improvements necessary in the development of the total economic resources of the Duck River Watershed, and the expenses incidental thereto. Prior to the adoption of any resolution of the board authorizing the sale of bonds, notes, or other obligations or entering into any contract or other arrangement in the planning or preparation for the sale of bonds, notes, or other obligations, the agency shall review such plans with the state division of bond finance. The state funding board established by section 9-9-101 is authorized to contract or to make other arrangements as it may deem necessary to provide for the issuance of such bonds, notes or other obligations of the agency, or in the state funding board's discretion, the agency may enter into such contracts or other arrangements; provided, however, that any contract or arrangement entered into for the purpose of the issue of any bonds, notes or other obligations shall be subject to the approval of the state funding board. Any resolution of the board authorizing the sale of bonds, notes, or other obligations shall be submitted to the state funding board, and such resolution shall only become effective upon receiving the approval of the state funding board. The state funding board, upon rejecting any resolution of the board authorizing the issue of bonds, notes, or other obligations, shall state in writing the reasons for this action.

(b) Except as herein otherwise expressly provided, all bonds (including notes or other obligations of the agency) issued by the agency shall be payable solely out of the revenues and receipts derived from the agency's projects or of any revenues of the agency as may be designated in the proceedings of the board under which the bonds shall be authorized to be issued; provided, that notes issued in anticipation of the issuance of bonds may be retired out of the proceeds of such bonds. Such bonds may be executed and delivered by the agency at any time and from time to time may be in such form and denominations and of such terms and maturities, may be in registered or bearer form either as to principal or interest or both, may be payable in such installments and at such time or times not exceeding forty (40) years from the date thereof, may be payable at such place or places whether within or without the state of Tennessee, may bear interest at such rate or rates payable at such time or times and at such place or places and evidenced in such manner, may be executed by such officers of the agency and may contain such provisions not inconsistent herewith, all as shall be provided in the proceedings of the board whereunder the bonds shall be authorized to be issued. If deemed advisable by the board, there may be retained in the proceedings under which any bonds of the agency are authorized to be issued an option to redeem all or any part thereof as may be specified in such proceedings, at such price or prices and after such notice or notices and on such terms and conditions as may be set forth in such proceedings and as may be briefly recited on the face of the bonds, but nothing herein contained shall be construed to confer on the agency any right or option to redeem any bonds except as may be provided in the proceedings under which they shall be issued. Any bonds of the agency may be sold at public or private sale in such manner, at such price and from time to time as may be determined by the board to be most advantageous, and the agency may pay all expenses, premiums and commissions which its board may deem necessary or advantageous in connection with the issuance thereof. Issuance by the board of one (1) or more series of bonds for one (1) or more purposes shall not preclude it from issuing other bonds in connection with the same project or any other project, but the proceedings whereunder any subsequent bonds may be issued shall recognize and protect any prior pledge or mortgage made for any prior issue of bonds. Proceeds of bonds issued by the agency may be used for the purpose of constructing, acquiring, reconstructing, improving, equipping, furnishing, bettering, or extending any project or projects, including the payment of interest on the bonds during construction of any such project and for two (2) years after the estimated date of completion, and payment of engineering, fiscal, architectural and legal expenses incurred in connection with such project and the issuance of the bonds, and the establishment of a reasonable reserve fund for the payment of principal of and interest on such bonds in the event of a deficiency in the revenues and receipts available for such payment.

(c) Subject to the approvals required in subsection (a), any bonds or notes of the agency at any time outstanding may at any time and from time to time be refunded by the authority by the issuance of its refunding bonds in such amount as the board of directors may deem necessary, but not exceeding the sum of the following:

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

- (1) The principal amount of the obligations being refinanced;
- (2) Applicable redemption premiums thereon;
- (3) Unpaid interest on such obligations to the date of delivery or exchange of the refunding bonds;
- (4) In the event the proceeds from the sale of the refunding bonds are to be deposited in trust as hereinafter provided, interest to accrue on such obligations from the date of delivery to the first or any subsequent available redemption date or dates selected, in its discretion, by the board or to the date or dates of maturity, whichever shall be determined by the board to be most advantageous or necessary to the agency;
- (5) A reasonable reserve for the payment of principal of and interest on such bonds and/or a renewal and replacement reserve;
- (6) If the project to be constructed from the proceeds of the obligations being refinanced has not been completed, an amount sufficient to meet the interest charges on the refunding bonds during the construction of such project and for two (2) years after the estimated date of completion (but only to the extent that interest charges have not been capitalized from the proceeds of the obligations being refinanced); and
- (7) Expenses, premiums and commissions of the agency, including bonds discount, deemed by the board to be necessary for the issuance of the refunding bonds. A determination by the board that any refinancing is advantageous or necessary to the agency, or that any of the amounts provided in the preceding sentence should be included in such refinancing, or that any of the obligations to be refinanced should be called for redemption on the first or any subsequent available redemption date permitted to remain outstanding until their respective dates of maturity, shall be conclusive.
- (d) Any such refunding may be effected whether the obligations to be refunded shall have then matured or shall thereafter mature, either by the exchange or the refunding bonds for the obligations to be refunded thereby with the consent of the holders of the obligations so to be refunded, or by sale of the refunding bonds, and the application of the proceeds thereof to the payment of the obligations to be refunded thereby, and regardless of whether or not the obligations proposed to be refunded shall be payable on the same date or different dates or shall be due serially or otherwise.
- (e) Prior to the issuance of the refunding bonds, the board shall cause notice of its intention to issue the refunding bonds, identifying the obligations proposed to be refunded and setting forth the estimated date of delivery of the refunding bonds, to be given to the holders of the outstanding obligations by mail to each registered holder, and, if the outstanding bonds or coupons are not registered securities, by publication of an appropriate notice one (1) time each in a newspaper having general circulation in the area of the project and in a financial newspaper published in New York, New York, having national circulation. As soon as practicable

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

after the delivery of the refunding bonds, and whether or not any of the obligations to be refunded are to be called for redemption, the board shall cause notice of the issuance of the refunding bonds to be given in the manner provided in the preceding sentence.

(f) If any of the obligations to be refunded are to be called for redemption, the board shall cause notice of redemption to be given in the manner required by the proceedings, authorizing such outstanding obligations.

(g) The principal proceeds from the sale of any refunding bonds shall be applied only as follows: either,

(A) To the immediate payment and retirement of the obligations being refunded; or

(B) To the extent not required for the immediate payment of the obligations being refunded, then such proceeds shall be deposited in trust to provide for the payment and retirement of the obligations being refunded, but provision may be made for the pledging and disposition of any surplus, including without limitation, provision for the pledging of any such surplus to the payment of the principal of and interest on any issue or series of refunding bonds. Money in any such trust fund may be invested in direct obligations of, or obligations the principal of and interest on which are guaranteed by the United States government, or obligations of any agency or instrumentality of the United States government, or in certificates of deposit issued by a bank or trust company located in the state of Tennessee if such certificates shall be secured by a pledge of any of such obligations having any aggregate market value, exclusive of accrued interest, equal at least to the principal amount of the certificates so secured. Nothing herein shall be construed as a limitation on the duration of any deposit in trust for the retirement of obligations being refunded but which shall not have matured and which shall not be presently redeemable or, if presently redeemable, shall not have been called for redemption.

(h) All such bonds, refunding bonds and the interest coupons applicable thereto are hereby made and shall be construed to be negotiable instruments.

(i) The principal of and interest on any bonds issued by the agency may be secured by a pledge of the revenues and receipts out of which the same shall be made payable, and may be secured by a mortgage or deed of trust covering all or any part of the projects from which the revenues or receipts so pledged may be derived, including any enlargements of and additions to any such projects thereafter made, and/or by an assignment and pledge of all or any part of the agency's interest in and rights under the leases, sale contracts or loan agreements relating to such projects, or any thereof. The resolution under which the bonds are authorized to be issued and any such mortgage or deed of trust may contain any agreements and provisions respecting the maintenance of the projects covered thereby, the fixing and collection of rents or payments with respect to any projects or portions thereof covered by such resolution, mortgage or deed of trust, the creation and

maintenance of special funds from such revenues and from the proceeds of such bonds, and the rights and remedies available in the event of default, all as the board shall deem advisable not in conflict with the provisions hereof. Each pledge, agreement, mortgage and deed of trust made for the benefit or security of any of the bonds of the agency shall continue effective until the principal of and interest on the bonds for the benefit of which the same were made shall have been fully paid. In the event of default in such payment or in any agreements of the agency made as a part of the contract under which the bonds were issued, whether contained in the proceedings authorizing the bonds or in any mortgage and deed of trust executed as security therefor, such payment or agreement may be enforced by suit, mandamus, the appointment of a receiver in equity, or by foreclosure of any such mortgage and deed of trust, or any one (1) or more of the above remedies.

On motion, the amendment was adopted.

Thereupon, House Bill No. 665, as amended, passed its third and final consideration by the following vote:

Ayes .....	92
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Duer, Ellis, Frensley, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--92.

A motion to reconsider was tabled.

House Bill No. 603--Subsurface sewage disposal systems.

Mr. Stallings moved that House Bill No. 603 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY

AMENDMENT NO. 1

Amend House Bill No. 603 by deleting Sections 1 through 13 in their entirety, and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-13-403(e)(1), is amended by deleting it in its entirety, and by substituting instead the following:

(e)(1) Permits for the construction of subsurface sewage disposal systems shall be issued for lots in subdivisions which were approved by the local health authority prior to April 15, 1986, if the lots and systems meet the requirements of this subsection. Such systems shall be constructed in accordance with the soils or percolation data as may be available for the recorded plat of the subdivision. In the absence of any data on file or on the recorded plat, a system shall be constructed by installing three hundred seventy (370) square feet of drain field per bedroom or, if the lot is not of sufficient area for installation of this amount, the maximum footage that can be installed will be required with the minimum being two hundred (200) square feet per bedroom. All installations must be in compliance with rules which are authorized in (1) (2) and (3) of this section except for provisions dealing with duplicate area and slope. For any permit issued pursuant to this subsection, the approval shall so note that installation is for approved subdivision without adequate approval data.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, House Bill No. 603, as amended, passed its third and final consideration by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent,

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

Kernell, King, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--95.

A motion to reconsider was tabled.

House Bill No. 1171--Agriculture and home economics trust fund.

On motion, House Bill No. 1171 was made to conform with Senate Bill No. 1191.

On motion, Senate Bill No. 1191, on same subject, was substituted for House Bill No. 1171.

Mr. Stallings moved that Senate Bill No. 1191 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--96.

A motion to reconsider was tabled.

House Bill No. 615--Nursing home license renewal.

Mr. Frensley moved that House Bill No. 615 be passed on third and final consideration.

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

Mr. Starnes moved to amend as follows:

**AMENDMENT NO. 1**

AMEND House Bill No. 615 by adding the following to the amendatory language of Section 4:

Although the license renewal shall be on a biennial basis, continuing education shall be required on an annual basis.

And further amend by adding the new Section 8 and renumbering the present Section 8 appropriately:

Section (8) Tennessee Code Annotated, Section 63-16-104 is amended by adding a new subsection as follows:

The board shall have the authority to grant a temporary license, not to exceed six months, to an individual applying for licensure to fill a position of nursing home administrator that unexpectedly becomes vacant. To receive a temporary license the individual must either be licensed in another state or meet the majority of the board's standards for licensure. If the individual holding temporary license must take the board required examination to be fully licensed and fails to achieve the required scores, the temporary license shall be revoked.

On motion, the amendment was adopted.

Thereupon, House Bill No. 615, as amended, passed its third and final consideration by the following vote:

Ayes .....	93
Noes .....	0
Present and not voting .....	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Good, Hassell, Hawkins, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, McAfee, Miller, Montgomery, Moody, Moore



**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

(Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--93.

Representative present and not voting was: Harrill--1.

A motion to reconsider was tabled.

House Bill No. 1134--Police pay supplement.

Ms. Turner (Hamilton) moved that House Bill No. 1134 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

**AMENDMENT NO. 1**

AMEND House Bill No. 1134 by deleting Section 1 in its entirety and by substituting instead the following as a new Section 1:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 8, Part 1, is amended by adding the following as a new Section:

Section \_\_\_. (a) Any county legislative body may by resolution choose, by a two thirds (2/3) vote of its entire membership, to establish an in-service training program together with a cash supplement for certified correction officers employed by the county. This program shall be separate from those programs operating pursuant to Section 38-8-111. Each participating county shall establish criteria and rules and regulations governing its own program. The source of funding for any cash supplement to such certified correction officers completing the in-service training program established pursuant to this section shall be derived from the fees collected for mittimus under Section 8-21-401 (1) (J) in each participating county.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1134, as amended, passed its third and final consideration by the following vote:

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

Ayes . . . . . 94  
Noes . . . . . 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Duer, Ellis, Frensley, Garrett, Good, Harrill, Hassell, Hawkins, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--94.

A motion to reconsider was tabled.

House Bill No. 497--Appointment Public Defenders.

On motion, House Bill No. 497 was made to conform with Senate Bill No. 527.

On motion, Senate Bill No. 527, on same subject, was substituted for House Bill No. 497.

Mr. Tanner moved that Senate Bill No. 527 be passed on third and final consideration.

Mr. Tanner moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 527 by deleting Sections 1, 2, and 3 in their entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-14-103, is amended by deleting the section in its entirety and substituting instead the following:

(a) For each judicial district specified in this chapter, the office of district public defender, assistant district public defender and district investigator are hereby created.

(b) The term for the office of district public defender shall be four (4) years from date of appointment, and until the incumbent's successor

is appointed and qualified. Persons appointed to such office, shall be duly licensed attorneys admitted to the practice of law in this state at the time of appointment. Vacancies in such office shall be filled in the same manner as original appointments. Persons seeking appointment to the office of district public defender shall file an application, on a form provided, with the secretary of the judicial council. The district public defender of any judicial district in which an assistant district public defender position is authorized by law shall appoint a suitable person to serve as assistant public defender. The assistant public defender shall be an attorney licensed to practice law in this state. The person so appointed shall serve at the pleasure of the district public defender and shall perform such duties as the district public defender may require. The district public defender of any judicial district in which a district investigator position is authorized by law shall appoint a suitable person to serve as district investigator. The person so appointed shall serve at the pleasure of the district public defender and shall perform such duties as the district public defender may require.

(c) No person holding the office of district public defender pursuant to this chapter shall be permitted to engage in the practice of law except as the duties of such office require. No person employed as a full-time assistant district public defender or district investigator pursuant to this chapter shall be permitted to engage in the practice of law except as the duties of such position require.

SECTION 2. Tennessee Code Annotated, Section 8-14-104, is amended by deleting subsection (a) in its entirety and substituting instead the following:

(a) The state shall provide each district public defender with suitable office space in a county within his or her judicial district, together with necessary equipment and supplies and secretarial assistance. Nothing in this subsection shall be construed as prohibiting a county from providing another suitable office for such public defender or his or her assistant within the judicial district provided such county is responsible for all expenses involved in establishing and maintaining such other office.

SECTION 3. Provisions of this act shall not apply to counties in excess of 700,000 population in the 1980 Federal Census.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

## WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY

Thereupon, Senate Bill No. 527, as amended, passed its third and final consideration by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--96.

A motion to reconsider was tabled.

House Bill No. 951--Health facilities.

Mr. Starnes moved that House Bill No. 951 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	91
Noes .....	2
Present and not voting .....	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Duer, Ellis, Frensley, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, May, McAfee, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--91.

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

Representatives voting no were: Gaia and Scruggs--2.

Representatives present and not voting were: Lawson and Miller--2.

A motion to reconsider was tabled.

House Bill No. 1075--Uncompensated care.

Mr. Starnes moved that House Bill No. 1075 be passed on third and final consideration.

Mr. Starnes moved to amend as follows:

#### **AMENDMENT NO. 1**

Amend House Bill No. 1075 by deleting Section 1 in its entirety and substituting in lieu thereof the following new section:

"SECTION 1. Each hospital shall apply and use the following definitions when reporting on the joint annual reports to the Tennessee department of health and environment, center for health statistics; and the Tennessee department of health and environment, center for health statistics, and the Tennessee state comptroller's office shall use and apply such definitions when auditing or compiling statistics based on such reports or for any related reports or statistics:

'a) Medically Indigent. Medical indigence is a status reached when a person uses or commits all available current and expected resources to pay for medical care to the maximum extent practical for a reasonable period and not all charges can be paid. A person who can afford the basics of life, i.e. food, clothing, and housing, but has insufficient income and/or assets to pay incurred hospital and medical bills is medically indigent. Prior to classifying deductions from charges as either "low income medically indigent" or "other medically indigent," reasonable collection efforts that are at least as great as the Medicare standard for collection of deductibles or coinsurance from Medicare patients must be completed. The portion of the bill that remains unpaid should then be classified as a medically indigent deduction. These deductions to charges for services provided to medically indigent patients should be reported in one of the following categories depending on the financial status of the patient.

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

b. Low Income Medically Indigent. A patient shall be classified as low income medically indigent after the hospital has made a reasonable determination that the patient cannot pay all or part of the hospital bill and that the patient's income is greater than 100 percent but does not exceed 150 percent of the published federal poverty level that is in effect during the reporting period for the appropriate family size. The patient is not eligible for medical benefits from state or federal programs or benefits of those programs have been exhausted. The patient has no insurance or a limited insurance policy.

c. Other Medically Indigent. A patient shall be classified as other medically indigent after the hospital has made a reasonable determination that the patient cannot pay all or part of the hospital bill and that the patient does not satisfy the income requirement for low income medically indigent. The patient is not eligible for medical benefits from state or federal programs. The patient has no or inadequate health insurance. Bankrupt accounts for which there is evidence that the medical bill caused the bankruptcy and unpaid accounts due to catastrophic illnesses which result in medical bills that are in excess of an amount that a patient could ever reasonably be expected to pay are examples of other medically indigent.

d. Bad Debts. Bad debts represent uncompensated care for which the hospital directly billed the patient and for which the patient should reasonably be expected to pay. (A vigorous in-house collection effort until such time as the account can clearly be determined to be bad debt (such as patient cannot be located) or for a period of at least 180 days is assumed.) The hospital shall declare the account as a bad debt after determining that the patient or the guarantor has income and/or assets which would enable him/her to pay, but the patient or guarantor ignores all collection efforts.

Bankrupt accounts shall be considered bad debts unless there is documented evidence that the medical bill caused bankruptcy and then this would be counted as medically indigent.

e. Charity. Services provided to medically needy persons for which the hospital does not expect payment. These persons have insufficient income and/or assets with which to pay for their care. ("Insufficient income" is defined as an amount not to exceed 100% of the federal poverty guidelines.) They are not eligible for Medicaid or other state or federal programs or benefits of these programs have been exhausted. The patient has no insurance or has a very limited insurance policy.

A patient is considered to be a charity patient if, after meeting with the patient or guarantor and performing a thorough investigation of his/her past payment history, income, assets and liabilities, it is determined that the patient or guarantor is unable to satisfy part or all of the obligation due to socioeconomic conditions which are not expected to improve in the foreseeable future."

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

On motion, the amendment was adopted.

Thereupon, House Bill No. 1075, as amended, passed its third and final consideration by the following vote:

Ayes ..... 95  
Noes ..... 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Jones, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--95.

A motion to reconsider was tabled.

**FURTHER CONSIDERATION OF HOUSE BILL NO. 212**

House Bill No. 212--Officer Standards.

Mr. King moved that House Bill No. 212 be passed on third and final consideration.

Mr. King moved that Amendment No. 2 previously filed be withdrawn, which motion prevailed.

Mr. King moved to amend as follows:

**AMENDMENT NO. 3**

Amend House Bill No. 212 by deleting the language added by House Amendment No. 1 and by adding the following language as a new section to be appropriately numbered immediately preceding the effective date section, and by renumbering the effective date section accordingly:

SECTION \_\_\_\_ Tennessee Code Annotated, Section 38-8-104, is amended by adding the following language as a new subsection (e):

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

(e) The commission shall establish criteria for determining whether to grant an exception to or waive the qualifications of the relevant portions of item (4) of Section 38-8-106, for a person convicted of an offense under federal or state law which is a misdemeanor or for any city ordinance for a person hired as a police officer after the effective date of this act.

Mr. Moody moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes .....	86
Noes .....	4
Present and not voting .....	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Good, Harrill, Hassell, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, King, Kisber, Lawson, Love, May, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Nance, Napier, Peroulas, Phillips, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--86.

Representatives voting no were: Cain, Duer, Hawkins and King--4

Representative present and not voting was: Pruitt--1.

Mr. Cain moved to amend as follows:

**AMENDMENT NO. 4**

AMEND House Bill No. 212 by adding before the effective date section the following new section and by renumbering the effective date section accordingly:

Section \_\_\_\_ Tennessee Code Annotated, Section 38-8-102(b), is amended by adding between the words "nonsupervisory police officers," and the words "one (1) member" the following:



## WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY

Four (4) members who are police officers with one (1) officer from each of the state's four (4) largest municipalities;

Tennessee Code Annotated, Section 38-8-102(b), is further amended by deleting the language "two (2) nonsupervisory police officers" and by substituting instead the language "four (4) nonsupervisory police officers".

Mr. King moved that House Bill No. 212 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

### CONSENT CALENDAR

House Resolution No. 26--Ministry of Brother Eugene Blankenship,

House Joint Resolution No. 210--Honoring Coach Bobby Hopkins.

House Joint Resolution No. 211--Appreciation Cliff Vanderpool.

House Joint Resolution No. 212--Honoring Margaret Storey.

House Joint Resolution No. 213--Congratulating Dr. Jens David Henriksen.

House Joint Resolution No. 214--Commending McKee Baking Company.

House Joint Resolution No. 215--Honoring Ginger Wiggins.

House Joint Resolution No. 216--Congratulating Joan Elizabeth Guy.

House Joint Resolution No. 217--Congratulating Miss Marilyn Murphy.

House Joint Resolution No. 218--Commemorating 100th anniversary, Grace Episcopal Church.

Senate Joint Resolution No. 124--Relative to honoring Joey Hendrix.

Senate Joint Resolution No. 125--Relative to congratulating Miss Stephanie League.

Senate Joint Resolution No. 138--Relative to congratulating Betty Jean Gill.

Senate Joint Resolution No. 139--Relative to congratulating Mrs. Joyce Marshall.

Mr. Phillips moved that all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

Ayes .....	96
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--96.

A motion to reconsider was tabled.

**BILLS RE-REFERRED**

On motion of Mr. Phillips, House Bill No. 88 was recalled from the Committee on Calendar and Rules.

On motion of Mr. Phillips, House Bill No. 88 was re-referred to the Committee on Finance, Ways and Means.

On motion of Mr. Phillips, House Bill No. 204 was recalled from the Committee on Calendar and Rules.

On motion of Mr. Phillips, House Bill No. 204 was re-referred to the Committee on Finance, Ways and Means.

Mr. Buck moved that the rules be suspended for the purpose of introducing placing House Joint Resolution No. 243 on the Transportation Calendar for immediate consideration, which motion prevailed.

Mr. Buck moved that the Rules be suspended in order that House Joint Resolution No. 243 be introduced and referred to the Committee on Transportation, which motion prevailed.

House Joint Resolution No. 243--Joint Committee, signs on highways--By Buck, Yelton, Crain, Rhinehart, Ussery, Robinson (Davidson), Hawkins, Holt, Harrill, Hurley, Frensley, Wood, Hassell, Good, DePriest and Davidson.

Mr. Jones, R. (Shelby) moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 234 out of order, which motion prevailed.

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

House Joint Resolution No. 234--Honoring Dr. Littleton Harold--By Jones, R. (Shelby).

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Jones, R. (Shelby), the resolution was adopted.

A motion to reconsider was tabled.

**INTRODUCTION OF RESOLUTIONS**

House Resolution No. 27--Appointment Mr. Bob R. Culbreath--By Wix.

The Speaker referred House Resolution No. 27 to the Committee on State and Local Government.

House Resolution No. 28--Congratulating Dyersburg High School girls basketball--By Holt.

Under the rules, House Resolution No. 28 was referred to the Committee on Calendar and Rules.

House Resolution No. 29--Honoring O. B. McClinton--By Jones, R. (Shelby), DeBerry, Turner, L. (Shelby), Byrd, Turner, C. (Shelby), Kernell, Hassell, Shirley, Moore, Nance, Jones, U. (Shelby), Dixon and Pruitt.

Under the rules, House Resolution No. 29 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 219--Congratulating The Weekend Report--By Good.

Under the rules, House Joint Resolution No. 219 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 220--Honoring H. D. Lee Company--By Phillips and DePriest.

Under the rules, House Joint Resolution No. 220 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 221--Honoring Coach Richard Rawlings-- By Collier.

Under the rules, House Joint Resolution No. 221 was referred to the Committee on Calendar and Rules.

## **WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

House Joint Resolution No. 222--Honoring Coach Kenny Dunlap--By Stafford.

Under the rules, House Joint Resolution No. 222 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 223--Congratulating Alan Massler--By Stafford.

Under the rules, House Joint Resolution No. 223 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 224--Congratulating James A. Pope family--By Stafford.

Under the rules, House Joint Resolution No. 224 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 225--Honoring Displaced Homemakers Network Conference--By Dixon, Pruitt, Jones, U. (Shelby) and King.

Under the rules, House Joint Resolution No. 225 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 226--Honoring Clarence "Skip" Streetman--By Webb, Bivens, Hillis, Harrill, Henry, Stafford, Duer, DePriest, Chiles, Scruggs and Bewley.

Under the rules, House Joint Resolution No. 226 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 229--Honoring Memphis State University Basketball--By Jones, R. (Shelby), Turner, L. (Shelby), Jones, U. (Shelby) and King.

Under the rules, House Joint Resolution No. 229 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 230--Honoring Coach James Anderson--By Wix and Long.

Under the rules, House Joint Resolution No. 230 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 231--Honoring Coach Gary Van Atta--By Long and Wix.

Under the rules, House Joint Resolution No. 231 was referred to the Committee on Calendar and Rules.

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

**SENATE JOINT RESOLUTIONS**

**(Congratulatory and Memorializing)**

Senate Joint Resolution No. 126--Honoring Carolyn Cox.

Under the rules, Senate Joint Resolution No. 126 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 127--Honoring Coach Larry Ricker.

Under the rules, Senate Joint Resolution No. 127 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 128--Honoring Fred V. Standley.

Under the rules, Senate Joint Resolution No. 128 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 135--Congratulating Walker's United Methodist Church.

Under the rules, Senate Joint Resolution No. 135 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 136--Honoring East Robertson's John Fitzgerald "Fitz" Jones.

Under the rules, Senate Joint Resolution No. 136 was referred to the Committee on Calendar and Rules.

**INTRODUCTION OF BILLS**

House Bill No. 1263--Charter of Kingston--By Henry.

Passed first consideration.

House Bill No. 1264--Public roads Cheatham County--By Head and Davidson.

Passed first consideration.

House Bill No. 1265--Charter of Humboldt--By Davis (Gibson).

Passed first consideration.

House Bill No. 1266--Charter of Kingston--By Henry.

Passed first consideration.

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

**SENATE BILLS ON FIRST CONSIDERATION**

Senate Bills Nos. 29, 81, 213, 352, 416, 419, 420, 635, 752, 849, 909, 914, 1039, 1044 and 1145.

Passed first consideration.

**HOUSE BILLS ON SECOND CONSIDERATION**

House Bill No. 1253--Amend Charter Lexington.

Passed second consideration and held without reference.

House Bill No. 1254--Scott County Service Officer.

Passed second consideration and held without reference.

House Bill No. 1255--Scott County Assessor of Property.

Passed second consideration and held without reference.

House Bill No. 1256--Change term county officials, Trenton.

Passed second consideration and held without reference.

House Bill No. 1257--Charter city of Kingston.

Passed second consideration and held without reference.

House Bill No. 1258--Charter of Kingston.

Passed second consideration and held without reference.

House Bill No. 1259--Charter of Kingston.

Passed second consideration and held without reference.

House Bill No. 1260--Charter of Kingston.

Passed second consideration and held without reference.

House Bill No. 1261--Charter of Kingston.

Passed second consideration and held without reference.

House Bill No. 1262--Charter of Kingston.

Passed second consideration and held without reference.

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

**REPORTS FROM STANDING COMMITTEES**

**COMMERCE**

MR. SPEAKER: Your Committee on Commerce begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 277 (with amendment), 660 (with amendment), 674, 1029 (with amendments).

TANNER, Chairman.

Under the rules, House Bills Nos. 227, 660, 674 and 1029 were transmitted to the Committee on Calendar and Rules.

**CONSERVATION AND ENVIRONMENT**

MR. SPEAKER: Your Committee on Conservation and Environment begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 472, 817 (with amendment); and House Joint Resolutions Nos. 166 and 205.

HILLIS, Chairman.

Under the rules, House Bills Nos. 472, 817 and House Joint Resolutions Nos. 166 and 205 were transmitted to the Committee on Calendar and Rules.

**EDUCATION**

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: House Bill No. 793 (with amendments).

DAVIDSON, Chairman.

Under the rules, House Bill No. 793 (with amendments) was transmitted to the committee on Calendar and Rules.

**FINANCE, WAYS AND MEANS**

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 305 (with amendment), 396 (with amendment), 408 (with amendment), 416 (with amendment), 802 (with amendment), 850 and 1103 (with amendment).

BRAGG, Chairman.

Under the rules, House Bills Nos. 305, 396, 408, 416, 802, 850 and 1103 were transmitted to the Committee on Calendar and Rules.

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

### **GENERAL WELFARE**

MR. SPEAKER: Your Committee on General Welfare begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 176 (with amendment), 290 (with amendments), 795, 813 (with amendments), 917, 1007 and Senate Joint Resolution No. 79 and further recommend that pursuant to House Rule No. 72, House Bills Nos. 795, 813, and 917 be referred to the Committee on Finance, Ways and Means.

STARNES, Chairman.

Under the rules, House Bills Nos. 176, 290, 795, 1007 and Senate Joint Resolution No. 79 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 72, the Speaker referred House Bills Nos. 813 and 917 to the Committee on Finance, Ways and Means.

### **GOVERNMENT OPERATIONS**

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 38 (with amendment), 51 (with amendment), 209, 213 (with amendment), 577, 890, 963 (with amendment), 1097 and further recommend that pursuant to House Rule No. 72, House Bills Nos. 890 and 963 (with amendment) be referred to the Committee on Finance, Ways and Means.

KING, Chairman.

Under the rules, House Bills Nos. 38, 51, 209, 213, 577 and 1097 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 72 the Speaker referred House Bills Nos. 890 and 963 to the Committee on Finance, Ways and Means.

### **JUDICIARY**

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 200 (with amendment), 202, 250 (with amendment), 251 (with amendment), 455 (with amendment), 552 (with amendment), 645, 647, and 1168 (with amendments) and 1225 (with amendment), and further recommend that pursuant to House Rule No. 72, House Bills Nos. 645 and 1168 (with amendments) be referred to the Committee on Finance, Ways and Means.

BUCK, Chairman.

Under the rules, House Bills Nos. 200, 202, 250, 251, 455, 552, 647, and 1225 were transmitted to the Committee on Calendar and Rules.



**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

Pursuant to House Rule No. 72, the Speaker referred House Bills Nos. 645 and 1168 (with amendments) to the Committee on Finance, Ways and Means.

**STATE AND LOCAL GOVERNMENT**

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 11, 22, 26, 188, 370 (with amendment), 633 (with amendment), 781, 794 (with amendment), 812 and 945 and further recommend that pursuant to House Rule No. 72, House Bill No. 945 be referred to the Committee on Finance, Ways and Means.

MILLER, Chairman.

Under the rules, House Bills Nos. 11, 22, 26, 188, 370, 633, 781, 794, and 812 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 72, the Speaker referred House Bill No. 945 to the Committee on Finance, Ways and Means.

**TRANSPORTATION**

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 111 (with amendment), 369, 609 (with amendments), 756, 1033 (with amendments), 1126 (with amendment) and 1244; and House Resolutions Nos. 22 and 23; and House Joint Resolutions 185 and 186 and further recommend that pursuant to House Rule No. 72, House Bills Nos. 369 and 1126 (with amendment) be referred to the Committee on Finance, Ways and Means.

ROBINSON (Davidson), Chairman.

Under the rules, House Bills Nos. 111, 609, 756, 1033, 1244; and House Resolutions Nos. 22 and 23; and House Joint Resolutions Nos. 185 and 186 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 72, the Speaker referred House Bills Nos. 369 and 1126 (with amendment) to the Committee on Finance, Ways and Means.

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 244--Shirley

House Bill No. 534--Drew

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

House Bill No. 619--Jared, Collier

House Bill No. 665--Napier

House Bill No. 793--Tankersley

House Bill No. 931--Chiles

House Bills Nos. 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1056, 1057,  
1058--Chiles

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

76--To regulate Personnel Recruiting Services Board;

275--To employ security officers, certain education systems;

325--To regulate local air pollution and control programs;

989--To amend Tennessee Soybean Promotion Act; all passed by the  
Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 27,  
360, 362, 750 and 1227; all substituted for Senate Bills on same subject and  
passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Joint  
Resolution No. 204; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENGROSSED BILLS**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully  
examined House Bills Nos. 387, 495, 603, 614, 615, 665, 752, 785, 816, 937,

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

951, 1075 and 1134; and House Joint Resolutions Nos. 210, 211, 212, 213, 214, 215, 216, 217, 218 and 234; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

### **LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES**

In accordance with Rule No. 48, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 1253, 1254, 1255, and 1256.

### **REPORT OF COMMITTEE ON CALENDAR AND RULES**

#### **CONSENT CALENDAR**

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Thursday, April 9, 1987: House Bills Nos. 728, 286, 283; House Joint Resolution No. 131, House Bills Nos. 661, 1221; House Resolutions Nos. 28, 29; House Joint Resolutions Nos. 219, 220, 221, 222, 223, 224, 225, 226, 229, 230, 231; Senate Joint Resolutions Nos. 126, 127, 128, 135, 136; House Bills Nos. 1253, 1254, 1255, and 1256.

PHILLIPS, Chairman.

### **REPORT OF COMMITTEE ON CALENDAR AND RULES**

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Thursday, April 9, 1987: House Bills Nos. 268, 679, 712, 253, 727, 729, 101, 616, 359, 154, 1123, 320, 485, 619, 1182, 908, 907, 909, 922 and 196.

PHILLIPS, Chairman.

#### **SECOND ROLL CALL**

The roll call was taken with the following results:

Present ..... 96

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Duer, Ellis, Frensley, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King,

**WEDNESDAY, APRIL 8, 1987--30TH LEGISLATIVE DAY**

Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--96.

On motion of Mr. Naifeh, the House adjourned until 9:00 a.m. tomorrow.